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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 WESTERN SHOWCASE HOMES, INC.,

15 Plaintiff,

16 v.

17 FUQUA HOMES, INC.,

18 Defendant.

19 GMN
 20 CASE NO.: 2:09-cv-2341-~~RJ~~-RJJ

21 **ORDER GRANTING
 22 WESTERN SHOWCASE HOMES, INC.'S
 23 EX PARTE MOTION TO DESIGNATE
 24 ANSWER OF DEFENDANT FUQUA
 25 HOMES, INC. AS WITHDRAWN AND
 26 FOR ENTRY OF DEFAULT; AND
 27 REQUEST FOR SETTING OF STATUS
 28 OF CONFERENCE**

29 This matter came before the Court on Plaintiff Western Showcase Homes, Inc. ("WSH")
 30 Ex Parte Motion to Designate Answer of Defendant Fuqua Homes, Inc. As Withdrawn and For
 31 Entry of Default; and Request for Setting of Status Conference (the "Motion"). The Court
 32 having reviewed the papers and documents on file regarding the Motion, and being fully advised,
 33 it is hereby ORDERED, ADJUDGED and DECREED as follows:

34 1. The Ex Parte Motion to Designate Answer of Defendant Fuqua Homes, Inc. As
 35 Withdrawn and For Entry of Default is hereby **GRANTED**;

36 2. The Answer filed by Defendant Fuqua Homes, Inc. ("FHI") (Docket No. 15) is
 37 hereby deemed withdrawn pursuant to FHI's representations made before Magistrate Judge
 38 Robert J. Johnston at the hearing of January 6, 2011, and as memorialized in the Minutes of the
 39 Proceeding entered on January 7, 2011 (Docket No. 31);

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1 3. Insofar as FHI no longer has an Answer or responsive pleading or defense to this
2 action on file, the Clerk is hereby ordered to immediately enter default against FHI pursuant to
3 Fed. R. Civ. 55(a); and

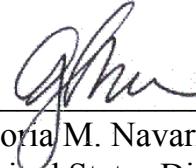
4 4. Plaintiff's Request for a Status Conference to discuss protocol is premature
5 because Plaintiff has not yet filed a Motion for Default Judgment pursuant to Fed. R. Civ. P.
6 55(b)(2). Accordingly, Plaintiff's Request for a Status Conference is hereby **DENIED**.

7 5. An evidentiary hearing in this matter is hereby scheduled for

8 April 21 , 2011 at the hour of 10:00am in Courtroom 7D.

9 6. Prior to the evidentiary hearing, Plaintiff is directed to file a "Proposed Order for
10 Judgment and Costs Pursuant to 55(b)" listing the damages/costs it will attempt to prove at the
11 hearing.

12 DATED this 1st day of March, 2011.

13 
14 Gloria M. Navarro
15 United States District Judge

SDW
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KEARNEY, HOLLEY & THOMPSON